



transporting, stolen condensate.” Denied to the extent such allegations are made against Big Star or Jensen.

4. This paragraph contains conclusions of law to which no response is required. All other allegations are denied.

#### JURISDICTION AND VENUE

5. Admit that this Court has subject matter jurisdiction but deny that this Court has personal jurisdiction over these Defendants.

6. Denied that venue is proper as to these Defendants because they does not reside in this venue, and because they did not participate in any events or transactions in the Southern District of Texas that give rise to this controversy.

#### PARTIES

7. Defendants do not have sufficient information to admit or deny the allegations made in this paragraph.

8. Denied that Big Star is an expired Texas limited liability partnership. Denied that Big Star is a fully-owned subsidiary of Saint James Oil, Inc. Denied that Big Star includes Big Star and Jensen.

9. Defendants do not have sufficient information to admit or deny the allegations made in this paragraph.

10. Denied that Jensen served as, and acted within the scope of his employment as, president of St. James. All other allegations in this paragraph are admitted.

11. Defendants do not have sufficient information to admit or deny the allegations made in this paragraph.

12. Defendants do not have sufficient information to admit or deny the allegations made in this paragraph.

13. Defendants do not have sufficient information to admit or deny the allegations made in this paragraph.

14. Defendants do not have sufficient information to admit or deny the allegations made in this paragraph.

15. Admitted that St. James is a Nevada corporation with its principal place of business in Sandy, Utah. Denied that St. James should be included in the term “Big Star.”

16. Defendants do not have sufficient information to admit or deny the allegations made in this paragraph.

17. Defendants do not have sufficient information to admit or deny the allegations made in this paragraph.

18. Defendants do not have sufficient information to admit or deny the allegations made in this paragraph.

#### FACTUAL BACKGROUND

19. This paragraph contains legal conclusions that do not require a response.

20. This paragraph contains legal conclusions that do not require a response.

21. This paragraph contains legal conclusion that do not require a response. To all other allegations, Defendants do not have sufficient information to admit or deny the allegations made in this paragraph.

22. This paragraph contains legal conclusions that do not require a response. To all other allegations, Defendants do not have sufficient information to admit or deny the allegations made in this paragraph.

23. This paragraph contains legal conclusions that do not require a response. To all other allegations, Defendants do not have sufficient information to admit or deny the allegations made in this paragraph.

24. Defendants do not have sufficient information to admit or deny the allegations made in this paragraph.

25. Defendants do not have sufficient information to admit or deny the allegations made in this paragraph.

26. Defendants do not have sufficient information to admit or deny the allegations made in this paragraph.

27. Defendants do not have sufficient information to admit or deny the allegations made in this paragraph.

28. Defendants do not have sufficient information to admit or deny the allegations made in this paragraph.

29. Defendants do not have sufficient information to admit or deny the allegations made in this paragraph.

30. Defendants do not have sufficient information to admit or deny the allegations made in this paragraph.

31. This paragraph contains legal conclusions that do not require a response.

32. This paragraph contains legal conclusions that do not require a response. To all other allegations, Defendants do not have sufficient information to admit or deny the allegations made in this paragraph.

33. Defendants do not have sufficient information to admit or deny the allegations made in this paragraph.

34. Defendants do not have sufficient information to admit or deny the allegations made in this paragraph.

35. Defendants do not have sufficient information to admit or deny the allegations made in this paragraph.

36. Defendants do not have sufficient information to admit or deny the allegations made in this paragraph.

37. Defendants do not have sufficient information to admit or deny the allegations made in this paragraph.

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39. Defendants do not have sufficient information to admit or deny the allegations made in this paragraph.

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41. Defendants do not have sufficient information to admit or deny the allegations made in this paragraph.

42. Defendants do not have sufficient information to admit or deny the allegations made in this paragraph.

43. Defendants do not have sufficient information to admit or deny the allegations made in this paragraph.

44. Defendants do not have sufficient information to admit or deny the allegations made in this paragraph.

45. Defendants do not have sufficient information to admit or deny the allegations made in this paragraph.

46. Defendants do not have sufficient information to admit or deny the allegations made in this paragraph.

47. Defendants do not have sufficient information to admit or deny the allegations made in this paragraph.

48. Defendants do not have sufficient information to admit or deny the allegations made in this paragraph.

49. Defendants do not have sufficient information to admit or deny the allegations made in this paragraph.

50. This paragraph contains legal conclusions that do not require a response. To all other allegations, Defendants do not have sufficient information to admit or deny the allegations made in this paragraph.

51. Defendants do not have sufficient information to admit or deny the allegations made in this paragraph.

52. Defendants do not have sufficient information to admit or deny the allegations made in this paragraph as they relate to other Defendants. Denied that Big Star or Jensen knowingly participated in or profited from the trafficking of stolen condensate.

53. This paragraph contains legal conclusions that do not require a response. Denied that Big Star or Jensen actively and knowingly participated in a conspiracy to import and market stolen condensate in the United States. To all other allegations, Defendants do not have sufficient information to admit or deny the allegations made in this paragraph.

54. Defendants do not have sufficient information to admit or deny the allegations made in this paragraph.

55. Denied as to Big Star and Jensen. Defendants do not have sufficient information to admit or deny the allegations made in this paragraph.

56. Defendants do not have sufficient information to admit or deny the allegations made in this paragraph.

57. Denied as to Big Star and Jensen. As to any other alleged “Conspiring Defendants,” these Defendants do not have sufficient information to admit or deny the allegations made in this paragraph.

58. Denied as to Big Star and Jensen. As to any other alleged “Conspiring Defendants” and to all other allegations, these Defendants do not have sufficient information to admit or deny the allegations made in this paragraph.

59. Denied as to Big Star and Jensen. As to any other alleged “Conspiring Defendants,” these Defendants do not have sufficient information to admit or deny the allegations made in this paragraph.

60. Defendants do not have sufficient information to admit or deny the allegations made in this paragraph.

61. Denied as to Big Star and Jensen. As to the other defendants, these Defendants do not have sufficient information to admit or deny the allegations made in this paragraph.

62. Defendants do not have sufficient information to admit or deny the allegations made in this paragraph.

63. Denied.

64. Denied.

65. Denied as to Big Star and Jensen.

66. Denied.

67. This paragraph contains legal conclusions that do not require a response. As to the factual allegations, denied.

68. Denied.

69. To the extent this paragraph calls for a legal conclusion, no response is required. As to the factual allegations, denied.

70. Defendants do not have sufficient information to admit or deny the allegations made in this paragraph.

71. Defendants do not have sufficient information to admit or deny the allegations made in this paragraph.

72. Defendants do not have sufficient information to admit or deny the allegations made in this paragraph.

73. Defendants do not have sufficient information to admit or deny the allegations made in this paragraph.

74. Defendants do not have sufficient information to admit or deny the allegations made in this paragraph.

75. This paragraph calls for legal conclusions that do not require a response. Defendants do not have sufficient information to admit or deny the allegations made in this paragraph.

76. Defendants do not have sufficient information to admit or deny the allegations made in this paragraph.



77. Defendants do not have sufficient information to admit or deny the allegations made in this paragraph.

78. Defendants do not have sufficient information to admit or deny the allegations made in this paragraph.

79. Defendants do not have sufficient information to admit or deny the allegations made in this paragraph.

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97. This paragraph calls for legal conclusions that do not require a response. Defendants do not have sufficient information to admit or deny the allegations made in this paragraph.

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99. Defendants do not have sufficient information to admit or deny the allegations made in this paragraph.

100. Defendants do not have sufficient information to admit or deny the allegations made in this paragraph.

101. Defendants do not have sufficient information to admit or deny the allegations made in this paragraph.

102. Defendants do not have sufficient information to admit or deny the allegations made in this paragraph.

103. Defendants do not have sufficient information to admit or deny the allegations made in this paragraph.

104. Defendants do not have sufficient information to admit or deny the allegations made in this paragraph.

105. Defendants do not have sufficient information to admit or deny the allegations made in this paragraph.

106. Defendants do not have sufficient information to admit or deny the allegations made in this paragraph.

107. Defendants do not have sufficient information to admit or deny the allegations made in this paragraph.

108. Defendants do not have sufficient information to admit or deny the allegations made in this paragraph.

109. This paragraph contains legal conclusions that do not require a response. Denied as to Big Star, St. James, or Jensen. As to other defendants, Defendants do not have sufficient information to admit or deny the allegations made in this paragraph.

110. Denied that these Defendants' actions were a direct and proximate cause of injuries to Plaintiff. As to all other allegations in this paragraph, Defendants do not have sufficient information to admit or deny them.

111. This paragraph contains legal conclusions that do not require a response. The factual allegations are denied as to these Defendants. As to the other defendants, Defendants do not have sufficient information to admit or deny the allegations made in this paragraph.

112. This paragraph contains legal conclusions that do not require a response.

113. This paragraph contains legal conclusions that do not require a response.

114. This paragraph contains legal conclusions that do not require a response. As to any factual allegations, denied as to these Defendants. As to other defendants, Defendants do not have sufficient information to admit or deny the allegations made in this paragraph.

#### DISCOVERY RULE AND FRAUDULENT CONCEALMENT

115. Denied as to these Defendants.

116. Denied.

117. Denied as to these Defendants. As to other defendants, Defendants do not have sufficient information to admit or deny the factual allegations made in this paragraph. The remaining legal conclusions do not require a response.

118. This paragraph contains legal conclusions that do not require a response.

#### CLAIMS FOR RELIEF

119. In response to this paragraph, Defendants incorporate their responses contained in

the preceding paragraphs.

120. Defendants admit that Plaintiff has brought claims under the laws of Mexico but denies that the laws of Mexico should apply.

121. This paragraph contains legal conclusions that do not require a response. Denied as to these Defendants. As to the other defendants, Defendants do not have sufficient information to admit or deny the allegations made in this paragraph.

122. Denied as to these Defendants. As to other defendants, Defendants do not have sufficient information to admit or deny the allegations made in this paragraph.

123. Denied as to these Defendants. As to other defendants, Defendants do not have sufficient information to admit or deny the allegations made in this paragraph.

124. This paragraph contains legal conclusions that do not require a response.

125. This paragraph contains legal conclusions that do not require a response.

126. This paragraph contains legal conclusions that do not require a response. As to the factual allegations, denied as to these Defendants. As to factual allegations asserted against other defendants, Defendants do not have sufficient information to admit or deny the allegations made in this paragraph.

127. Denied as to these Defendants. As to other defendants, Defendants do not have sufficient information to admit or deny the allegations made in this paragraph.

128. This paragraph contains legal conclusions that do not require a response. As to the factual allegations, denied as to these Defendants. As to factual allegations asserted against other defendants, Defendants do not have sufficient information to admit or deny the allegations made in this paragraph.

129. This paragraph contains legal conclusions that do not require a response. As to

the factual allegations, denied as to these Defendants. As to factual allegations asserted against other defendants, Defendants do not have sufficient information to admit or deny the allegations made in this paragraph.

130. This paragraph contains legal conclusions that do not require a response.

131. This paragraph contains legal conclusions that do not require a response. As to the factual allegations, denied as to these Defendants. As to factual allegations asserted against other defendants, Defendants do not have sufficient information to admit or deny the allegations made in this paragraph.

132. This paragraph contains legal conclusions that do not require a response. As to the factual allegations, denied as to these Defendants. As to factual allegations asserted against other defendants, Defendants do not have sufficient information to admit or deny the allegations made in this paragraph.

133. This paragraph contains legal conclusions that do not require a response. As to the factual allegations, denied as to these Defendants. As to factual allegations asserted against other defendants, Defendants do not have sufficient information to admit or deny the allegations made in this paragraph.

134. This paragraph contains legal conclusions that do not require a response. As to the factual allegations, denied as to these Defendants. As to factual allegations asserted against other defendants, Defendants do not have sufficient information to admit or deny the allegations made in this paragraph.

135. This paragraph contains legal conclusions that do not require a response.

136. This paragraph contains legal conclusions that do not require a response.

137. This paragraph contains legal conclusions that do not require a response.

138. This paragraph contains legal conclusions that do not require a response. As to the factual allegations, denied as to these Defendants. As to factual allegations asserted against other defendants, Defendants do not have sufficient information to admit or deny the allegations made in this paragraph.

139. This paragraph contains legal conclusions that do not require a response.

#### **JURY TRIAL DEMAND**

140. Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Defendants demand a trial by jury.

#### **AFFIRMATIVE DEFENSES**

141. Defendants assert that Plaintiff's claims against these Defendants are barred by the applicable statutes of limitations and/or laches.

142. To the extent that Plaintiff's complaint fails to state a claim for which relief can be granted, it should be dismissed.

143. Plaintiff's recovery is barred by Plaintiff's complicity and/or other responsibility in the scheme—e.g., through the doctrines of in pari delicto, unclean hands, proportionate fault, comparative responsibility, and negligence.

144. Big Star and Jensen assert that Big Star was a good-faith purchaser, and that to the extent that any stolen condensate was purchased, it was done so by mistake and/or unknowingly.

145. Jensen asserts that he is not liable in his individual capacity—whether as Big Star's or Jensen's "alter ego" or otherwise—and that he was acting at all relevant times strictly as an officer of Big Star.

146. Some or all of Plaintiff's claims are barred by res judicata, collateral estoppel, release, claim preclusion, and/or waiver.

147. Any amounts recoverable by Plaintiff must be offset by amounts it has already recovered from third parties or current or former defendants.

148. Plaintiff's request for punitive damages are barred or otherwise limited by the U.S. Constitution.

149. Plaintiff's claims against Defendants are barred because any of Plaintiff's alleged injuries were not proximately caused by Big Star or Jensen.

150. Plaintiff's claims are barred due to its failure to mitigate damages.

151. Plaintiff's claims are barred by accord and satisfaction.

### **REQUEST FOR ATTORNEYS' FEES**

152. Pursuant to the Texas Theft Liability Act (Tex. Civ. Prac. & Rem. Code § 134.005(b)), Big Star and Jensen seek the recovery of attorneys' fees incurred in connection with defending against Plaintiff's claims.

### **PRAYER**

Based on the foregoing answers and affirmative defenses, Defendants Saint James Oil, Inc., and James Jensen respectfully request that this Court enter judgment as follows:

- (a) Dismissing Plaintiff's claims against these Defendants in their entirety, with prejudice;
- (b) Denying Plaintiff's equitable relief for a constructive trust;
- (c) Awarding Big Star and James Jensen their attorneys' fees; and
- (d) Awarding all such further relief to which Defendants may be entitled, whether at law or in equity.

DATED: October 24, 2011



Respectfully submitted,

GIBBS & BRUNS, LLP

/s/ *Grant Harvey*

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing instrument has been provided to counsel of record in this action through the Court's electronic service/ECF system on this 24th day of October, 2011.

/s/ *Grant Harvey*  
Grant J. Harvey